

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

AGE REVERSAL UNITY,

Plaintiff,

vs.

UNIVERSITY OF HAWAII AT
MANOA, *et al.*,

Defendants.

Case No. 24-cv-00275-DKW-RT

ORDER DISMISSING CASE¹

On June 26, 2024, Plaintiff Age Reversal Unity, proceeding *pro se*, filed a Complaint against several Hawai‘i-based universities and colleges, alleging that they had violated various constitutional rights and committed state-law torts by “fail[ing] to establish academic programs dedicated to the study and advancement of human immortality.” Dkt. No. 1 at 4. Shortly thereafter, on July 5, 2024, Age Reversal Unity filed two applications to proceed *in forma pauperis* (“IFP Applications”).² Dkt. Nos. 5 & 6.

On July 22, 2024, the Court issued an Order, denying Age Reversal Unity’s IFP Applications and dismissing the Complaint because entities—including

¹Pursuant to Local Rule 7.1(c), the Court finds this matter suitable for disposition without a hearing.

²Age Reversal Unity filed both the short form, Dkt. No. 5, and long form, Dkt. No. 6, applications.

corporations, partnerships, and community associations—are ineligible for *in forma pauperis* status and cannot represent themselves in federal court. *See* Dkt. No. 7 at 2–3. Therein, the Court explicitly advised Age Reversal Unity that should it wish to proceed with this case, it must pay the filing fee and have counsel appear by August 9, 2024. *Id.* at 4. Moreover, the Court cautioned Age Reversal Unity that failure to comply with this guidance would result in the automatic dismissal of this action without prejudice or further notice. *Id.* That deadline has now passed, and Age Reversal Unity has neither paid the filing fee nor had counsel appear on its behalf. Accordingly, as indicated in the July 22, 2024 Order and more fully explained herein, this case is DISMISSED WITHOUT PREJUDICE.

Federal courts have the authority to dismiss cases for failure to prosecute or failure to comply with court orders. *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992)). Before dismissing such actions, the Court must weigh: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.” *Id.* Here, upon careful consideration of each factor, the Court finds that this case should be dismissed without prejudice.

First, this case cannot proceed without both payment of the filing fee and appearance by counsel. *See* 28 U.S.C. § 1914(a); LR 81.1(b). Age Reversal Unity's failure to substantively respond to the July 22, 2024 Order therefore hinders the resolution of this case on the merits, and thus, the public's interest in the expeditious resolution of litigation. Accordingly, this factor favors dismissal. *See Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) ("the public's interest in expeditious resolution of litigation always favors dismissal.").

Second, Age Reversal Unity's failure to comply with the July 22, 2024 Order hinders this Court's ability to manage its docket. Put simply, the Court cannot properly manage its docket where litigants such as Age Reversal Unity fail to timely respond to the Court's instructions and orders. Consequently, this factor also favors dismissal.

Third, Age Reversal Unity's failure to pay the filing fee or have counsel enter an appearance in a timely manner risks prejudice to Defendants. The Ninth Circuit has explained that in evaluating this factor, the risk of prejudice is related to the plaintiff's reason for failing to prosecute an action. *Pagtalunan*, 291 F.3d at 642 (citing *Yourish*, 292 F.3d at 991). Here, despite the Court's explicit explanations and instructions, Age Reversal Unity has failed to request an extension, or provide any excuse or rationale for its failure to pay the filing fee or

have counsel enter an appearance. Given its non-responsiveness, this factor weighs in favor of dismissal. *See id.* at 643.

Fourth, the Court already attempted to provide a less drastic alternative to dismissing this case when it first provided Age Reversal Unity with an opportunity to pay the filing fee and have counsel enter an appearance. At that point, the Court explicitly warned Age Reversal Unity that failure to comply with its directions would result in the dismissal of this action without prejudice or further notice. Nevertheless, Age Reversal Unity failed to take advantage of this opportunity. Consequently, this factor also favors dismissal. *See Ferdik*, 963 F.2d at 1262 (explaining “a district court’s warning to a party that his failure to obey the court’s order will result in dismissal can satisfy the ‘consideration of alternatives’ requirement.” (citations omitted)).

Fifth and finally, because public policy favors disposing of cases on their merits, this factor weighs against dismissal. *Pagtalunan*, 291 F.3d at 643.

In sum, because four out of five factors favor dismissal, this case is DISMISSED WITHOUT PREJUDICE, pursuant to the Court’s July 22, 2024 Order. *See Ferdik*, 963 F.2d at 1263 (finding dismissal warranted where three out of five factors weighed in favor of dismissal); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 133 n.2 (9th Cir. 1987) (finding that where the other four factors favor dismissal, they are not outweighed by public policy favoring the resolution of cases


on their merits); *see also Ash v. Cvetkov*, 739 F.2d 493, 497 (9th Cir. 1984) (“dismissal without prejudice is a more easily justified sanction for failure to prosecute.”).

The Clerk of Court is directed to CLOSE this case.

IT IS SO ORDERED.

DATED: August 19, 2024 at Honolulu, Hawai‘i.




Derrick K. Watson
Chief United States District Judge

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